

## ***EEO – Frequently Asked Questions***

*What is **Title VII of the Civil Rights Act of 1964**?*

*The text of Title VII of the Civil Rights Act of 1964 (Pub. L. 88-352) (Title VII), as amended, appears in volume 42 of the United States Code, beginning at section 2000e. Title VII prohibits employment discrimination based on race, color, religion, sex and national origin.*

*See <http://www.eeoc.gov/laws/statutes/titlevii.cfm>*

*What is the Judiciary's Policy on **EEO and Harassment**?*

The purpose of this policy is to ensure compliance with all applicable federal, state, and local laws and regulations governing Equal Employment Opportunity (EEO) and harassment.

*What is **Employment Discrimination**?*

A distinction in employment treatment, whether intentional or unintentional, illegally based on an individual's race, color, national origin, marital status, sexual orientation, gender, political or religious opinion or affiliation, physical or mental disability, or age.

*Who do I **Contact** to discuss what I feel is an EEO violation?*

Employees who feel they have been subjected to discriminatory, harassing, or retaliatory behavior are encouraged to address their questions and concerns with their supervisor or Administrative Official.

If that does not resolve the complaint, or when the supervisor and Administrative Official are the persons about whom the employee wants to complain, the aggrieved individual should complete a [Complaint of Discrimination/Harassment/Retaliation Form](#) and forward it to the Office of Fair Practices.

The complaint must be based on discrimination, harassment, or retaliation as defined in Section II, D, G, and J of the Judiciary's Policy on Equal Employment Opportunity and Harassment. The complaint should be filed with the Office of Fair Practices within 120 days from the time the alleged act of discrimination, harassment, or retaliation took place, or 120 days from the time the aggrieved individual had knowledge of the alleged act;

All complaints must contain the following:

- the full name and address of the complainant;
- the full name and address of the department or person against whom the complaint is made;
- clear and concise statement of facts constituting the alleged act(s) of discrimination, harassment, or retaliation, including when the alleged act(s) took place;

- a statement of how factors listed in Section II, D, G, or J are believed to have been a basis for the alleged discrimination, harassment, or retaliation; the signature of the complainant and the date the complaint was filed.

*Who is an **Administrative Official**?*

1. The Clerk of Court for the Court in which the employee works;
2. The Administrative Clerk or Administrative Commissioner of the District in which the employee works;
3. The director of the respective department or office within the Courts of Appeal, the District Court Headquarters, or Court-Related Agency in which the employee works; or
4. The State Court Administrator for employees within the Administrative Office of the Courts.

*How do I file an internal **Complaint**?*

Please reference the Maryland Judiciary's [Policy](#) and/or [Procedures](#) regarding the filing of a complaint.

*What **Form** do I need to complete to submit an internal complaint?*

[Complaint of Discrimination/Retaliation Form](#)

*How do I file an external **Charge**?*

You have the right to file a Charge of Discrimination with the [Maryland Commission on Human](#) (MCHR) and/or the [Equal Employment Opportunity Commission](#) (EEOC).

### **EEOC (Federal) Procedures**

The EEOC Baltimore office's hours of operation are from 8:30 a.m. to 5:00 p.m. Monday through Friday. Walk-ins are taken 8:30 to 3:00 Monday through Thursday and 9:00 to noon on Friday. If you have an employment discrimination question or if you wish to file a charge, please call the EEOC National Contact Center toll-free at 1-800-669-4000 or 1-800-669-6820 (TTY). You may also write the office at City Crescent Building, 10 South Howard Street, 3rd Floor, Baltimore, MD 21201.

While no appointment is needed to file a charge in person, please contact the office if you are traveling a long distance or have limited time to verify that EEOC has jurisdiction and determine the best time to visit the office. In an effort to provide better customer service, EEOC staff may conduct either an interview in the EEOC office or a telephone interview. Although less time may be required, please allow at least 1 to 2 hours for an office visit. To avoid delay, please let the office know beforehand if you need special assistance, such as an interpreter, to file a charge

Individuals who are interested in filing charges of discrimination are initially screened by an EEOC representative to determine whether your employment experiences are covered by the laws EEOC enforces. The EEOC representative will ask questions about your allegations, about the evidence available to support the allegations, and about jurisdiction (whether the charge is timely, and the employer, charging party and subject matter are covered under the statutes enforced by EEOC).

You will need to provide:

- The name, address, and telephone number of the person filing the charge;
- The name, address, and telephone number of the company, employment agency, or union that the charge is filed against, and the number of employees (or union members), if known;

- A short description of the event(s) with supporting documentation (if any) which caused the person filing the charge to believe that his or her rights were violated;
- The date(s) the event(s) took place;
- The names, addresses, and telephone numbers of any witnesses;
- Whether the individual has filed the same or similar charge with a state or local fair employment practice agency; and
- The name, address, and telephone number of a person who always knows where to contact the person wishing to file a charge.

### **MCHR (State) Procedures**

If you believe that you have been the victim of Employment, Housing, or Public Accommodation Discrimination and suspect that you have been treated unfairly because of your Race, Color, Religion, Sex, Age, Familial Status, National Origin, Marital Status, Disability, Genetic Information, or Sexual Orientation, you may file a complaint of discrimination with the Maryland Commission on Human Relations.

The Maryland Commission on Human Relations investigates complaints from anyone who reasonably believes they have been discriminated against (In employment cases, Maryland law only applies to employers with 15 or more employees). The Commission may also initiate a complaint based on reliable information that any person or business is or has been engaged in a discriminatory practice. Any person may visit any Maryland Commission on Human Relations office to file a complaint.

The completion of this questionnaire, or contacting the Maryland Commission on Human Relations via email or telephone does not constitute the filing of a complaint of discrimination with the Commission pursuant to Title 20 of the State Government Article, Annotate Code of Maryland (Title 20). To file a complaint of discrimination required the complainant to provide the Commission a written complaint, signed by the complainant. Anyone wishing to file a complaint alleging unlawful discrimination in violation of Title 20, must file the complaint within six (6) months of the alleged unlawful incident, in the case of discrimination by an employer or place of public accommodation, or within one year of the alleged unlawful incident, in the case of unlawful housing practices. The Commission encourages anyone wishing to file a complaint to immediately contact the Commission by telephone and speak directly with a trained intake officer at [one of the Commission's offices](#).

*Will my complaint be handled **Confidentially**?*

All information received through the complaint and investigative process is held in strict confidence.

*Can I be discriminated against because of my **Disability**?*

It is the policy of the Judiciary to provide employment and advancement opportunities to qualified individuals without regard to race, color, national origin, marital status, sexual orientation, gender, political or religious opinion or affiliation, physical or mental disability, or age, except where age is a bona fide job requirement. This policy includes but is not limited to the following personnel practices:

- |               |                |
|---------------|----------------|
| • Recruitment | • Selection    |
| • Promotion   | • Demotion     |
| • Transfer    | • Compensation |
| • Layoff      | • Recall       |

- Discipline
- Termination
- Reclassification
- Assignment of duties
- Training and development
- Use of leave

The Judiciary is committed firmly to providing a work environment free from discrimination, harassment, and retaliation.

*What does a finding of **Probable Cause** mean?*

Probable cause, as defined by the Judiciary's [Policy on Equal Employment Opportunity and Harassment](#), is a determination by the Office of Fair Practices that, based on the facts and circumstances examined during an investigation, it is more likely than not that the complainant suffered discrimination, harassment, or retaliation.

*What is a **Protected Class**?*

A Protected Class is a group protected from employment discrimination by law. These groups include men and women on the basis of sex; any group that shares a common race, religion, color, or national origin; people over 40; and people with physical or mental handicaps. Every U.S. citizen is a member of some protected class and is entitled to the benefits of EEO law. However, the EEO laws were passed to correct a history of unfavorable treatment of women and minority group members.

*Can an employer **Retaliate** against me for filing a complaint or a charge?*

The Judiciary is committed firmly to providing a work environment free from discrimination, harassment, and retaliation. Discrimination, harassment, and retaliation shall not be tolerated. Any employee found to have engaged in such activity shall be subject to disciplinary action up to and including termination of employment.

*What is **Harassment**?*

Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. Harassment can occur in a variety of circumstances, including, but not limited to, the following:

- The harasser can be the victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee.

- The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.
- Unlawful harassment may occur without economic injury to, or discharge of, the victim.

*Does the Judiciary offer **training** on this topic?*

Yes. Periodically, the Judiciary's Office of Professional Development (OPD) offers courses such as Diversity Issues in the Workplace; Employment Law; Genders and Generations; and Multi-Culturally Speaking. Additionally, the Office of Fair Practices can provide training on various EEO topics upon request.